

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20016 of 2004

Between:

Kumari V. Swetha, D/o. V. Jagan Mohan Reddy,
R/o. Plot No.203, Srinagar Colony, Yellareddyguda, Hyderabad.

... PETITIONER

AND

- 1 The Registrar, Jawaharlal Nehru Technological University,
Kukatpally, Hyderabad-72.
- 2 The Principal, Bhoj Reddy Engineering College for Women,
Vinay Nagar, Saidabad, Hyderabad-59.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or direction more particularly one in the nature of writ of Mandamus for declaration that the action of 2nd respondent in issuing letter NO. BRECW /Acad/ DET-STU/2004, DT. 26.10.2004 as illegal arbitrary, bad and set aside the same thereby directing the respondents to permit the Petitioner to apply for Hall Ticket and appear for 1st semester of II Year University Theory and Practical B.Tech Examinations by issue Hall Ticket to the Petitioner to appear for 1st semester of II year University Theory and Practical B. Tech Examinations.

Counsel for the Petitioner: MR.C.HANUMANTHA RAO

Counsel for Respondent No.1: Mr. C.KODANDA RAM, SC for JNTU

Counsel for Respondent No.2: ---

The Court, at the admission stage, made the following:

ORDER:

Mere receipt of examination fees from the petitioner will not amount to condoning the shortage of attendance.

2. In view of the law declared by two Division Benches of this Court in ***Akilesh Lumani V. Principal, Sir C.R. Reddy Autonomous, Eluru*** and ***K. Pradeep V. JNTU, Hyd.***, a candidate must necessarily possess 75% attendance, which can be condonable to the extent of 10% by the college management. The University or the respondent-college also will not have any power to relax the attendance beyond 65%. Candidates who have put less than 65 % of attendance are not eligible to appear for the examination. In view of the same, petitioner's request permitting her to appear for the examination cannot be conceded. If the petitioner's attendance is not properly marked and if the same is not in consonance with the classes attended by her, on petitioner making a representation, the university can consider the same and if any lapses are committed by the second respondent-college, the university can call for the records after due notice to the college and pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

A.

GOPAL REDDY, J

November 2, 2004

N.B. Copy by wire at partys' costs.

(B/O)

MRR

To:

- 1 The Registrar, Jawaharlal Nehru Technological University,
Kukatpally, Hyderabad-72.
- 2 The Principal, Bhoj Reddy Engineering College for Women,
Vinay Nagar, Saidabad, Hyderabad-59.
- 3 Two C.D. Copies.